

COMMENTS

The enclosed is responsive to the Examiner's Office Action mailed on March 5, 2006. At the time the Examiner's Office Action was mailed claims 1-49 were pending. By way of the present response the Applicant has: 1) amended claims 3, 5, 6, 10, 13, 15, 16, 20, 23, 25, 26 and 30; 2) not added any claims; and, 3) canceled claims 31-49. The Applicant respectfully requests reconsideration of the present application and the allowance of claims 1-30.

Amendments To The Specification

The Examiner has made a number of objections to the specification including the abstract. See, Examiner's Office Action mailed 3/5/07, pp. 2-4. The Applicant has responded to each of these and, in view of these amendments, respectfully submits that the Examiner's objections have been overcome.

Formalistic Claim Objections/Rejections

The Examiner has made a number of objections to the claims and has made a number of rejections under 35 U.S.C. 112, para. 2. See, Examiner's Office Action mailed 3/5/07, pp. 4-5. The Applicant has responded to each of these and respectfully submits that the Examiner's objections/rejections have been overcome.

Claim Rejections

The Examiner has rejected independent claims 1, 11 and 21 under 35 U.S.C. 103(a) as being obvious in view of U.S. Pub App. No. 2004/0139194 (hereinafter "Naganathan") and U.S. Patent No. 6,735,200 (hereinafter, "Novaes"). Each of independent claims 1, 11 and 21 recite (emphasis added):

displaying **a tree on a graphical user interface, said tree comprising:**

- a) a first node that identifies **a testing scenario;**
- b) one or more sub nodes of said first node, each of said one or more sub nodes identifying a different software component of a business logic process, each of **said one or more sub nodes capable of spawning its own sub node that indicates its corresponding software component is unavailable when its corresponding software component is unavailable.**

The Applicant respectfully submits that the Examiner's combination fails to cover the above recited claim elements.

Firstly, almost nothing is said in either reference with respect to the particulars of a graphical user interface. Specifically, although the Examiner sites to paragraphs 0032 and 0037 of Nagathan as disclosing GUI details, the Applicant respectfully submits that only paragraph 0032 pertains to any specific GUI details. Paragraph 0037 discusses a "tree". However the "tree" of paragraph 0037 is not in reference to a GUI, but rather, the structure of a Management Information Base (MIB) which "acts as a repository for managed objects" where "agents 230 store

data and status of managed objects". This is made clear from the fact that paragraph [0037] is discussed in reference to "agent layer 230" of the Nagathan invention rather than console layer "201". Thus, the "tree" of paragraph [0037] is akin to the structure of a database and is not a reference to a GUI.

This leaves only paragraph [0032] as teaching any information regarding the contents of a GUI display. Paragraph [0032] states:

The console layer 210 comprises multiple consoles serving multiple users for the network management system 200. The consoles provide graphics visual representations of managed objects (for example, hosts and networks) to users of the network management system 200. The consoles also provide users with the ability to manipulate data attributes and properties associated with the managed objects and the ability to initiate management tasks (for example, dynamic reconfiguration of a host or a network) with graphics interface tools.

The Applicant respectfully submits that this information alone is simply insufficient to cover the claim elements of the present application and, specifically, fails at least to cover the claim elements emphasized above. The emphasized language above includes a "tree", a "testing scenario", and a "sub [node] capable of spawning its own sub node that indicates its corresponding software component is unavailable". These details are simply not disclosed or suggested by paragraph [0032] of Nagathan , therefore the Examiner's proposed "interpretations" are in error.

As far as the Applicant can tell, the Novaes reference does not disclose any details pertaining to a GUI and therefore is simply irrelevant to the present application.

Because the Applicant has demonstrated the patentability of all pending independent claims, the Applicant respectfully submits that all pending claims are allowable. The Applicant's silence with respect to the dependent claims should not be construed as an admission by the Applicant that the Applicant is complicit with the Examiner's rejection of these claims. Because the Applicant has demonstrated the patentability of the independent claims, the Applicant need not substantively address the theories of rejection applied to the dependent claims.

In the further interests of efficiency, the Applicant reserves the right under MPEP 2144.03.C to cause the Examiner to find in the prior art subject matter to which the Examiner has taken Official Notice at a later time in the prosecution of the present case when the subject matter of such prior art is actually at issue.

Conclusion

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of this application, the Examiner is invited to contact Robert B. O'Rourke at 408-720-8300.

Respectfully submitted,

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